IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

Crl.MC.No. 1117 of 2007()

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PETITIONER:

VARGHESE NINAN, S/O.M.V.NINAN,
MUNDAPLAKKAMANNIL, KUNNANTHANAM MURI,
KUNNANTHANAM VILLAGE.

BY ADV. SRI.SAJITH KUMAR V.

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. PHILIPOSE ABRAHAM, DYSP, THIRUVALLA.

BY P.P. SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1117 OF 2007

Dated this the 9th day of April, 2007

ORDER

The petitioner is the complainant in C.C.No.133/01 on the file of the Judicial Magistrate of the First Class, Thiruvalla. The offences alleged include the offence punishable under Sec.326 of the IPC. The petitioner had earlier come before this Court and Annexure-A1 order was passed directing the learned Magistrate to dispose of the case within three months from 28/10/2006. The matter has not been disposed of even now.

2. In the meantime, an application for discharge was filed by the accused/the 2nd respondent herein. That application was dismissed by the learned Magistrate. The accused/the 2nd respondent come to this Court with Crl.R.P.No.30/07 and as per Annexure-A2 order, another Bench of this Court directed the learned Magistrate to

consider the application for discharge afresh on merits. Though that order – Annexure-A2, was passed as early as on 23/2/2007, the matter has not been disposed of yet by the learned Magistrate. It is, in these circumstances, that the petitioner has come to this Court with the prayer that the learned Magistrate may be directed to comply with the direction for expeditious disposal in Annexure-A1.

3. I find merit in the prayer of the learned counsel for the petitioner. I am satisfied that the learned Magistrate must be directed to dispose of the matter as expeditiously as possible – at any rate, within a period of three months from the date on which a copy of this order is placed before the learned Magistrate.

4. This petition is, accordingly, allowed to the above extent.

5. Hand over a copy of this order to the learned counsel for the petitioner for production before the learned Magistrate.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge